

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Picture Patents, LLC

V.

## SUMMONS IN A CIVIL ACTION

Aeropostale, Inc.  
Dick's Sporting Goods, Inc.  
Charlotte Russe, Inc.  
GSI Commerce Solutions, Inc.  
Fogdog, Inc.  
National Basketball Association, Inc.  
NBA Properties, Inc.  
NBA Media Ventures, LLC  
Major League Baseball Properties, Inc.  
MLB Advanced Media, L.P.  
Linens 'n Things, Inc.  
Tweeter Home Entertainment Group, Inc.  
Tweeter Newco, LLC  
Tweeter Opco, LLC  
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: Fogdog, Inc.  
500 Broadway  
Redwood City, CA 94063

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY

Thomas J. Parker  
Alston & Bird LLP  
90 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON****FEB 13 2008**

CLERK

DATE

  
(By) DEPUTY CLERK



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PICTURE PATENTS, LLC,

Plaintiff,

Civil Case No. 07cv5567

-against-

**AFFIDAVIT OF SERVICE**

AEROPOSTALE, INC., et al.,

Defendants.

-----X  
STATE OF PENNSYLVANIA )

S.S.: )

COUNTY OF PHILADELPHIA )

BRIAN WARSHAW, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of the attorney service, D.L.S., Inc., and is not a party to this action.

That on the 27<sup>th</sup> day of February, 2008, at approximately the time of 9:20 AM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPLAINT; INDIVIDUAL PRACTICES OF JUDGE JOHN G. KOEHL; AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN upon FOGDOG, INC. c/o GST Commerce Solutions, Inc. at 935 First Avenue, King of Prussia, PA, by personally delivering and leaving the same with DONNA SMITH who informed deponent that she is authorized by appointment to receive service at that address.

DONNA SMITH is a white female, approximately 40 years of age, stands approximately 5 feet 8 inches tall, weighs approximately 125 pounds with brown hair.

Brian Warsaw  
BRIAN WARSHAW

Sworn to before me this  
27<sup>th</sup> day of February, 2008

D.L.S., Inc.  
401 Broadway  
Ste 510  
NY, NY 10013  
212-925-1220  
www.dlsny.com

MM Talone  
NOTARY PUBLIC

